

From: John Graham
To: Fowler, Gene; Lesto, Karen
Date: 11/4/2009 1:19:08 PM
Subject: Unimatic

230750



Gene told me he spoke with Mike J. this am and thought there may be some confusion on the enforcement issue and schedules. Below is the message I gave Ben Alter. They did respond with an agreement and a schedule. They understand that they remain out of compliance until all conditions in the NOV are satisfied. In the meantime they are to implement the work and we will review submittals and provide responses. If they fail to continue the remediation in a timely manner we will advise BEI and request penalties.

Old message 9/18/09

I spoke to Ben Alter. I advised him that they will remain out of compliance until the NOV is complied with entirely. That includes completing delineation and submitting a RIR and RAW. I told him submit a RIW addendum to you agreeing to the items from your email with a schedule of implementation. The schedule should not be more than 120 days. I know he already agreed to your email items in a return email but I want it reiterated in the addendum. I told him not to spend time and money submitting another RIW. We want him to spend time and money doing the work.

CC: Justiniano, Michael